



NORTHEAST COMMUNITY CLINIC

A non-profit charitable corporation

ADMINISTRATION

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* Issue - 21,
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March 24, 2008

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
Fax: 202-690-7203

RE: Proposed Rule for the Designation of Medically Underserved Populations and Health Professional Shortage Areas - 73 Fed. Reg. 11232, et seq (February 29, 2008)

Dear Secretary Leavitt:

I am writing to express my deep concern regarding the above referenced proposed rule and its potential impact on my site's ability to secure placements of health professionals requiring a shortage designation. I am concerned that the 60 day comment period will not allow for a full assessment of the impact of this new proposed rule. On behalf of NORTHEAST COMMUNITY CLINIC, I urgently request a 90 day extension to this comment period to provide our Primary Care Association (PCA) and our Primary Care Organization (PCO) the time necessary to develop a comprehensive impact analysis for the rational service area (RSA) where NORTHEAST COMMUNITY CLINIC is located as well as all other RSAs in California. (21)

This proposed rule is the second such proposal to revise and consolidate the criteria and process for designating medically underserved populations (MUPs) and health professional shortage areas (HPSAs). The initial proposed rule was published on September 1, 1998, and had an extended comment period of 4 months, with a due date of January 4, 1999. Later that year, a notice was published which indicated that the large volume of comments received and the level of concern expressed required further analysis of the rule including a thorough analysis of its impact and testing of alternatives. Nine years have elapsed since the publishing of the initial proposed rule and therefore, this second proposed rule cannot build on the experience obtained by our PCA and PCO in analyzing the first proposed rule.

California faces perhaps the most difficult challenge in analyzing the impact of this proposed rule because our state does not utilize counties as RSAs. California counties cannot be utilized as RSAs because of their size and population density. California counties average 2700 square miles in area, which cannot represent a rational service area under any assessment for shortage designations. In addition to concern associated with utilizing counties as RSAs, California has the highest population density per county in the entire country, creating another area of concern in utilizing counties as RSAs. (66)

California's PCO, the Office of Statewide Health Planning and Development, has painstakingly worked with stakeholders to divide California's 58 large, densely populated counties into 541 rational

service areas. In order to conduct an analysis of this new proposed rule, California's PCO and PCA must find sub-county data on the multiple elements outlined in the proposed rule and apply this sub-county data to California's RSAs. Simply securing the data outlined in the proposed rule at a sub-county level is a monumental task to complete within a 60 day comment period. Although our PCA and PCO are collaborating and working diligently to secure this information and conduct an analysis, it is unlikely the data collection and analysis can be completed within the tight timeframe for comments.

On behalf of NORTHEAST COMMUNITY CLINIC, I once again reiterate the request that the Department of Health and Human Services extend the comment period by 90 days in order to allow California to conduct a comprehensive analysis and provide well informed feedback on the proposed rule.

Sincerely,



Dr. Christopher Lau, CEO
Northeast Community Clinic

cc: The Honorable Henry Waxman, House Subcommittee on Health
The Honorable Anna Eshoo, House Subcommittee on Health
The Honorable Jane Harman, House Subcommittee on Health
The Honorable Hilda Solis, House Subcommittee on Health
The Honorable George Radanovich, House Subcommittee on Health
The Honorable Mary Bono, House Subcommittee on Health
The Honorable George Miller, Chairman, House Committee on Education and Labor
The Honorable Buck McKeon, Ranking Member, House Committee on Education and Labor
The Honorable Linda T. Sánchez, House Subcommittee on Health, Employment, Labor, and Pensions

cc: Marcia Brand, Associate Administrator of the Bureau of Health Professions
Andy Jordan, Acting Chief of the Shortage Designation Branch